

FILED

NOV 25 2008

PATRICK E. DUFFY, CLERK

By DEPUTY CLERK MISSOURI

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CAUSE NO. CR 08-30-M-DWM

FINDINGS AND RECOMMENDATION
CONCERNING PLEA

MARY GLENN TERRY,

Defendant.

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to two one count of conspiracy to manufacture marijuana in violation of 21 U.S.C. § 846, as set forth in the Superseding Information. Defendant has agreed to the forfeiture allegation pursuant to 21 U.S.C. § 853.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,

2. That the Defendant is aware of the nature of the charge against her and consequences of pleading guilty to the charge,

3. That the Defendant fully understands her constitutional rights, and the extent to which she is waiving those rights, by pleading guilty, and,

4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offense charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that she fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of conspiracy to manufacture marijuana as charged in the Superseding Information, and that sentence be imposed.¹

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 25th day of November, 2008.


Jeremiah C. Lynch
United States Magistrate Judge

¹ Objections to these Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P. 59(b)(2).